

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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5 DONOR NETWORK WEST,

Plaintiff,

Case No. 3:25-cv-00140-ART-CSD  
6 v.  
7 ROBERT F. KENNEDY, JR., in his  
8 official capacity as Secretary of Health  
and Human Services;ORDER ON MOTION TO INTERVENE  
9 STEPHANIE CARLTON, in her official  
10 capacity as Acting Administrator of the  
11 Centers for Medicare & Medicaid  
Services;12 UNITED STATES DEPARTMENT OF  
13 HEALTH AND HUMAN SERVICES,  
CENTERS FOR MEDICARE &  
MEDICAID SERVICES,

Defendants.

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15 Nonparty Renown Health seeks to intervene in this matter and participate  
16 telephonically in the hearing set for Wednesday, March 26, 2025, at 1:00pm.17 On timely motion, a court must allow intervention by a movant who claims an  
18 interest that may be impaired by resolution of the case, where current parties  
19 inadequately represent the movant's interests. Fed. R. Civ. P. 24(a)(2); *Wilderness*  
20 *Soc'y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011).21 Renown has satisfied the showing required for mandatory intervention.  
22 Renown's motion is timely, when considering the early stage of the litigation and  
23 the accelerated briefing schedule requested by Plaintiff. (See ECF Nos. 13, 19,  
24 36.) Renown has a protectable interest in this case because this case is about a  
25 waiver that Defendants granted to Renown, (see ECF No. 1-1), which Plaintiff  
26 seeks to dissolve. Additionally, the outcome of this action could impair Renown's  
27 ability to protect its interest—if, for instance, the Court finds that Defendants  
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1 illegally granted the waiver and blocks it from taking effect.

2 Finally, Renown's interests in the outcome of this litigation sufficiently  
3 differ from Defendants'. For this factor, courts consider the interests of the parties  
4 present, including whether a "would-be intervenor would offer any necessary  
5 elements to the proceedings that other parties would neglect." *Sw. Ctr. for*  
6 *Biological Diversity v. Berg*, 268 F.3d 810, 822 (9th Cir. 2001). Renown's stakes  
7 in the waiver underlying this case, including the timing of the waiver  
8 implementation and "operational contractual burdens" involving Renown's  
9 switch to a different organ procurement organization, (see ECF No. 41 at 6),  
10 satisfy this element. See *Sw. Ctr. for Biological Diversity*, 268 F.3d at 823 (finding  
11 that "interests of government and the private sector may diverge" and that private  
12 party would "offer important elements to proceedings that the existing parties  
13 would likely neglect"). This case ultimately concerns a waiver applied for by  
14 Renown, for reasons known by Renown, so Renown should be able to present its  
15 position.

16 **CONCLUSION**

17 Accordingly, the Court grants Renown's Emergency Motion to Intervene  
18 (ECF No. 41) and finds its earlier motion moot (ECF No. 38).

19 The Court grants Renown's Motion for Leave to Appear Telephonically (ECF  
20 No. 40) at the hearing set for Wednesday, March 26, 2025, at 1:00pm.

21  
22 DATED THIS 24th day of March, 2025.

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24   
25 ANNE R. TRAUM  
26 UNITED STATES DISTRICT JUDGE  
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